

REGULAR MEETING
AGENDA

Wednesday, July 15, 2009 7:45 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

Due to necessary scheduling of ZBA members, the following items may be considered out of sequence and application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting.

PUBLIC HEARINGS

CALENDAR NO. 32-2009

The application of Roger Frate on behalf of AJR Darien, LLC filed on June 17, 2009 for variances of Sections 406 and 605 of the Darien Zoning Regulations, to allow the installation of a storage container; Section 406: 1.0 in lieu of 30.0 feet minimum required front yard setback and 26.0 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Garden City Road in the R 1/3 zoned portion of the property; and Section 605: 1.0 in lieu of 10.0 feet minimum required front yard setback and 26.0 in lieu of 35.0 feet minimum required front yard setback as measured from the centerline of Garden City Road in the NB zoned portion of the property. The property is situated on the north side of Boston Post Road at the northeast corner formed by the intersection of Boston Post Road and Garden City Road and is shown on Assessor's Map #42 as Lots #2 and 47, being 1941 Boston Post Road and located in an R-1/3 (residential) Zone and an NB (commercial) Zone.

CALENDAR NO. 26-2009

The application of Gaelle & Alexander Dudley filed on June 17, 2009 for

variances of Section 406 of the Darien Zoning Regulations, to allow the reconstruction of a one and one story mudroom/porch with a second floor deck; Section 406: 9.6 in lieu of 27.9 feet minimum required side yard setback and 11.7 in lieu of 30.0 feet minimum required total of two side yards setback. The property is situated on the west side of Raymond Heights approximately 200 feet northwest of the intersection of Raymond Heights and Raymond Street and is shown on Assessor's Map #36 as Lot #86, being 9 Raymond Heights and located in an R-1/2 (residential) Zone.

CALENDAR NO. 27-2009

POSTPONED TO SEPTEMBER 16th

The application of Ken & Karla Coe filed on June 17, 2009 for an interpretation of Section 371 of the Darien Zoning Regulations, to allow the construction of a 6'-10" square x 8'-0" high cupola to provide natural daylight and act as a heat chimney; Section 371: a determination that the proposed cupola is the minimum necessary to accomplish the purpose it is intended to serve. The property is situated on the north side of Pembroke Road approximately 300 feet east of the intersection of Pembroke Road and Mansfield Avenue Street and is shown on Assessor's Map #1 as Lots #2 and 3, being 19 Pembroke Road and located in an R-2 (residential) Zone.

CALENDAR NO. 28-2009

The application of Nicholas & Luz Alieth Barker filed on June 17, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow alterations to the existing structure, the reconstruction of a one story covered front porch, and the construction of a two story addition; Section 406: 20.0 in lieu of 30.0 feet minimum required front yard setback for the covered porch reconstruction; 15.2 in lieu of 19.0 feet minimum required side yard setback relative to the east property line and 21.2 in lieu of 25.0 minimum required total of two side yards setback for the proposed addition construction. The property is situated on the north side of Chestnut Street approximately 400 feet east of the intersection of Chestnut Street and Noroton Avenue and is shown on Assessor's Map #20 as Lot #64, being 16 Chestnut Street and located in an R-1/3 (residential) Zone.

CALENDAR NO. 30-2009

The application of Lance E. Zimmerman on behalf of Christian Zawacki & Ann Marie Paturno filed on June 17, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of one story, two story, and second

story additions with HVAC equipment; Section 406 for Plan A: 11.6 in lieu of 25.0 feet minimum required side yard setback for the HVAC equipment; 9.7 in lieu of 25.0 feet minimum required side yard setback for the additions; and 16.9 in lieu of 40.0 feet minimum required front yard setback relative to Oriole Lane for the additions; or Section 406 for Plan B: 11.6 in lieu of 25.0 feet minimum required side yard setback for the HVAC equipment; 13.1 in lieu of 25.0 feet minimum required side yard setback for the additions; and 16.9 in lieu of 40.0 feet minimum required front yard setback relative to Oriole Lane and 32.5 in lieu of 40.0 feet minimum required front yard setback relative to Mansfield Place for the additions. The property is situated on the north side of Mansfield Place at the northeast corner formed by the intersection of Mansfield Place and Oriole Lane which is also approximately 400 feet east of the intersection of Mansfield Place and Mansfield Avenue and is shown on Assessor's Map #10 as Lot #66, being 7 Mansfield Place and located in an R-1 (residential) Zone.

CALENDAR NO. 31-2009

The application of Neil Hauck, AIA on behalf of David Delucia filed on June 17, 2009 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a one story detached garage; Section 406: 58.5 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Runkenhage Road. The property is situated on the northeast side of Runkenhage Road approximately 200 feet southeast of the intersection of Runkenhage Road and Tokeneke Trail and is shown on Assessor's Map #69 as Lot #29, being 1 Runkenhage Road and located in an R-1 (residential) Zone.

CALENDAR NO. 29-2009

The application of Robert F. Maslan, Jr., Esq. on behalf of C. B. Griffith, LLC and Post Road Eleven, LLC filed on June 17, 2009 for variances of Sections 662, 226, 334, 666, 906.6, 940, 943b, 944, and 904 if necessary, of the Darien Zoning Regulations, to allow the construction of a two story retail, commercial sales and services and/or business and professional office building with a transformer/generator, garbage enclosure, and HVAC equipment; Section 662: possible commercial sales and services use with limited generally required external storage or activity which is a normal part of the operation of the use; possible business and professional office use where none is permitted; Section 226: 41.0 in lieu of 44.0 feet minimum required parking space and aisle depth; allowing a portion of one additional parking space and a portion of the required backup space for another to be on adjacent State property; Section 334: construction on a portion of the lot with less than 100.0 feet minimum required

lot depth; Section 666: 0.0 in lieu of 65.0 feet minimum required parking setback in front of the building; 1.5 in lieu of 0.0 or 4.0 feet minimum required side yard setback for the transformer/ generator; 7.0 in lieu of 25.0 feet minimum required rear yard setback for the transformer/generator; 7.0 and in lieu of 25.0 feet minimum required rear yard setback for the garbage enclosure; 21.5 and 19.5 in lieu of 30.0 feet minimum required front yard setback for the building and eave; 2.0 in lieu of 0.0 or 4.0 minimum required side yard setback for the building and eave; 7.7 and 5.9 in lieu of 25.0 minimum required rear yard setback for the building and eave; 5.6 in lieu of 25.0 minimum required rear yard setback for the HVAC equipment; 35.0 in lieu of 20.0% maximum allowable building coverage; 0.0 and -2.5 in lieu of 6.0 feet minimum required front landscape depth; Section 666, 906.6, and/or 943b: 0.0 and -2.5 in lieu of 6.0 feet minimum required front parking setback; 14.0 in lieu of 25.0 feet minimum required rear parking setback; Sections 666 and 940: 0.0 and -2.5 in lieu of 10.0 feet minimum required front landscape area; Sections 667 and 944: 5.6 in lieu of 25.0 feet minimum required rear yard landscape buffer abutting the adjacent residential zone lots; and Section 904 if necessary: 7 in lieu of 24 minimum required parking spaces. The property is situated on the southeast side of Boston Post Road approximately 0 feet west of the intersection of Boston Post Road and the I-95 northbound Exit 11 entrance ramp and is shown on Assessor's Map #63 as Lot #1, being 1292 Boston Post Road and located in an SB (commercial) Zone.

OTHER BUSINESS

This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.

1. Discussion, deliberation and possible decisions for Public Hearing request items listed above. 4 affirmative votes out of the 5 seated ZBA members are required to approve a proposal.
2. Requested amendment to the approved use and plans of Calendar No. 14 -2008, Athos Real Estate, Inc., 71 Boston Post Road.
3. Approval of Minutes of meeting on June 17, 2009. ZBA members attending this meeting were Vic Capellupo, Al Tibbetts, Gary Greene, Chuck Deluca, Jeff Williams, and John Ashburne.

4. Approval of Minutes and Resolutions of the following public hearing application decisions made on June 17, 2009. ZBA members attending this meeting were Vic Capellupo, Al Tibbetts, Gary Greene, Chuck Deluca, Jeff Williams, and John Ashburne.

Calendar #12-2009 Browning, 17 Greenwood Avenue

Calendar #21-2009 Curtis, 10 Clocks Lane

Calendar #23-2009 Imbrogno, 25R Gardiner Street

Calendar #24-2009 Norelli, 18 West Elm Street

Calendar #25-2009 Demark, 225 Middlesex Road

5. Review of Public Hearing statements relative to the Resolution of Calendar #12-2009, the application of Christian Browning regarding property at 17 Greenwood Avenue.
6. Review of April 15, 2009 Joint Meeting discussions with the Architectural Review Board and possible recommendations for sign regulation changes or procedural adjustments.
7. General discussion of Application Materials, hearing guidelines, hardship criteria, decision practices/ guidelines, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.
8. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda).